

PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/714,068	
	Filing Date	November 14, 2003	
	First Named Inventor	Meng YANG	
	Art Unit	1636	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	5	Attorney Docket Number	312762002710

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 1449, 1 page Return Postcard		
<table border="1"><tr><td>Remarks</td><td><b>CUSTOMER NO. 25225</b></td></tr></table>			Remarks	<b>CUSTOMER NO. 25225</b>
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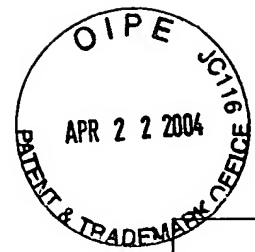
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Kate H. Murashige - 29,959
Signature	<i>Kate H. Murashige</i>
Date	April 20, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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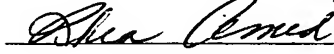
Signature: *Rhea Amid* (Rhea Amid)



PATENT  
Docket No. 312762002710

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Rhea Amid

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Meng YANG et al.

Serial No.: 10/714,068

Filing Date: November 14, 2003

For: **WHOLE-BODY OPTICAL IMAGING  
OF GENE EXPRESSION AND USES  
THEREOF**

Examiner: Unassigned

Group Art Unit: 1636

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action directed to the related application Serial Number 09/812,710 filed 19 March 2001, and issued 18 November 2003 as U.S. Patent No. 6,649,159, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

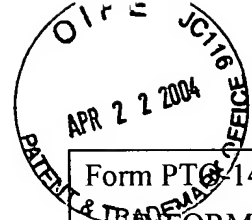
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 312762002710. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 20, 2004

Respectfully submitted,

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Form PTO/SB-1449

Docket Number 312762002710

Application Number 10/714,068

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Meng YANG et al.

Filing Date November 14, 2003

Group Art Unit 1636

Mailing Date April 20, 2004

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/1997	5,650,135	Contag et al.	424	9.1	
	2.	03/1999	5,876,711	Fattaey	424	932	
	3.	02/2000	6,020,192	Muzyczka et al.	435	320.1	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	4.	Benard et al., <i>J Nucl Med</i> 40(8):1257-1263 (1999).
	5.	Brenner et al., <i>Eur J Nucl Med</i> 26(12):1567-1571 (1999).
	6.	Edinger et al., <i>Neoplasia</i> 1:303-310 (1999).
	7.	Engelson et al., <i>Am J Clin Nutr</i> 69(9):1162-1169 (1999).
	8.	Eustace et al., <i>Magn Reson Imaging Clin (N Am)</i> 7(2):209-236 (1999).
	9.	Jerusalem et al., <i>Blood</i> 94(2):429-433 (1999).
	10.	Saunders et al., <i>Ann Thorac Surg</i> 67(3):790-797 (1999).
	11.	Valk et al., <i>Arch Surg</i> 134(5):503-511 (1999).
	12.	Yang et al., <i>PNAS</i> 97(22):12278-12282 (2000).
	13.	Yang et al., <i>PNAS</i> 97(3):1206-1211 (2000).
	14.	Zhang et al., <i>Biochem Biophys Comm</i> 227:707-711 (1996).

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.